

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BENJAMIN B. BROCKIE,

7 Petitioner,

8 v.

9 PAT GLEBE,

10 Respondent.

No. C11-5516 BHS/KLS

ORDER FOR SERVICE AND
RETURN § 2254 PETITION AND
NOTING PETITIONER'S MOTIONS

11
12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 (1) the petition; (2) all documents in support thereof; (3) Petitioner's Motion for Counsel (ECF
14 No. 12); (3) Petitioner's Motion to Stay and Abey (ECF No. 13); (4) Petitioner's Motion for an
15 Evidentiary Hearing (ECF No. 14); and, (5) Petitioner's Motion to Delay Submission of
16 Memorandum (ECF No. 15). All costs of service shall be advanced by the United States. The
17 Clerk shall assemble the necessary documents to effect service. The Clerk shall send Petitioner a
18 copy of this Order, and the General Order. The Clerk will also send a courtesy copy of the
19 Petition to the Washington State Attorney General's Office.
20

21 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
22 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
23 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
24 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
25 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
26

1 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
2 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
4 upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday
5 after the answer is filed, Petitioner may file and serve a response not later than on the Monday
6 immediately preceding the Friday appointed for consideration of the matter, and Respondent
7 may file and serve a reply brief not later than the Friday designated for consideration of the
8 matter.
9

10 (4) The Clerk is directed to **re-note** Petitioner's Motions (ECF Nos. 12, 13, 14, and
11 15) to **November 21, 2011**.

12
13 **DATED** this 14th day of September, 2011.

14
15 
16 Karen L. Strombom
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26